

Federal Bureau of Prisons

Regional Administrative Remedy Appeal

Type or use ball-point pen. If attachments are needed, submit four copies. One copy of the completed BP-DIR-9 including any attachments must be submitted with this appeal.

From: MORALES, Alvaro 42152-004 P-3 FMC Devens
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

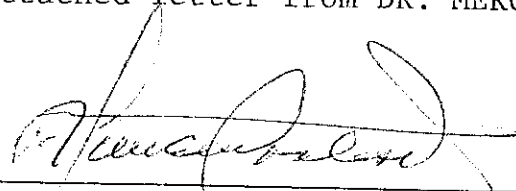
Part A—REASON FOR APPEAL I appeal the decision, dated May 6, 2004 (attached) made by Mr. D. Scott DODRILL, Regional Director, based upon the following reasons:

1. Contrary to what is established in the aforementioned decision letter ("due to the nature of your prior criminal history, it is possible that you may continue criminal activity if released"). The PSI established that "the Defendant has no criminal convictions. Pursuant to the sentencing table...zero criminal history points establishes a criminal history category of I". Therefore, it is not clear nor justifiable to conclude that I may continue criminal activity if released, as there is no previous criminal history whatsoever. (Paragraph 31, Attachment N-1). The May 6th decision also establishes that "there is no definite prognosis regarding your medical condition". However, the attached letter from DR. MERCADANTE

(SEE ADDENDUM SHEET

6-1-04

DATE



SIGNATURE OF REQUESTER

Part B—RESPONSE

DATE

REGIONAL DIRECTOR

If dissatisfied with this response, you may appeal to the General Counsel. Your appeal must be received in the General Counsel's Office within 30 calendar days of the date of this response.

ORIGINAL: RETURN TO INMATE

CASE NUMBER:

338580-RP

Part C—RECEIPT

CASE NUMBER:

Return to: _____
LAST NAME, FIRST, MIDDLE INITIAL REG. NO. UNIT INSTITUTION

SUBJECT: _____

DATE

SIGNATURE, POSITION OF REGIONAL DIRECTOR

BP-230(13)
APRIL 1992

BP-10 ADDENDUM SHEET FOR

ALVARO MORALES
Reg. #42152-004

Part A (cont'd)

establishes that. "Unfortunately, the patient is not a candidate for aortic valve replacement because of his dilated left ventricular and decreased LVSF", after stating my medical "history of hypertension, dilated cardiomyopathy, moderate to severe aortic regurgitation and SP low anterior resection of the colon for adenocarcinoma of the recto-sigmoid"; thus concluding that "the patient should be continued on his current medical regimen with consideration for compassionate release". (Attachment N-2) I acquired my current medical condition while imprisoned and for this reason, I was taken to the Rochester Medical Center in Minnesota, where and when my condition was first diagnosed (see Attachment N-3).

2. Given my advanced age and my delicate health condition, which would require a heart transplant, my only possibility after a compassionate release, since I have to be deported to Colombia (see Paragraph 33, Attachment N-1), would be to obtain that transplant there, with assistance from my family, as all my children are professionals and have respectable jobs (see Attachment 1, Paragraph 42), and financial assistance from the pension that my family receives from Carvajal S.A., a publishing and graphic arts company based in Cali, for which I worked for twenty (20) years. I have completed more than 60% of my prison time, for which I was sentenced (almost 14 years out of 21 years that I would have to serve). I have had a very good behavior while imprisoned (I have not received any incident reports. The criminal conduct did not involve any act of violence. Therefore, I request reconsideration of the May 6, 2004 decision and that my compassionate release be granted.

#42152-004 *Alvaro Morales*

MORALES, Alvaro

Reg. No. 42152-004

Appeal No. 338580-R3

Page One

Part B - Response

You appeal the decision to deny your request for a compassionate release. You believe, given your advanced age, delicate health condition, positive adjustment and lack of prior criminal history, you are eligible for a compassionate release. You seek reconsideration for a compassionate release.

Program Statement 5050.46, Compassionate Release states, once an inmate makes a request for compassionate release, the Regional Director reviews the request and determines whether the request should be denied or granted. Several factors are taken into account when reviewing a request for compassionate release. After a thorough review of your case, it was determined your request for a compassionate release will not be granted. As indicated in the denial letter of May 6, 2004, that due to the nature of your conviction a concern exists that if released it is possible you may continue to engage in criminal activity. Furthermore, although you have serious medical issues, there is no definite prognosis regarding your medical condition. You have provided no evidence which warrants a change or indicates that the initial decision was unreasonable. Accordingly, your appeal is denied.

If you are dissatisfied with this response, you may appeal to the General Counsel, Federal Bureau of Prisons. Your appeal must be received in the Administrative Remedy Section, Office of General Counsel, Federal Bureau of Prisons, 320 First Street, N.W., Washington, D.C. 20534, within 30 calendar days of the date of this response.

Date: August 17, 2004



D. SCOTT DEDRILL
Regional Director